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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT

Third periodic reports of States parties due in 1989

Addendum

UKRAINIAN SOVIET SOCIALIST REPUBLIC */

[12 January 1990]

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*/ For the initial report submitted by the Government of the Ukrainian Soviet Socialist Republic, see CCPR/C/SR.153-SR.156, SR.159 and SR.160 and Official Records of the General Assembly, Thirty-fourth session, Supplement No. 40 (A/34/40), paragraphs 248-285. For the second periodic report of the Ukrainian Soviet Socialist Republic, see CCPR/C/32/Add.4; for its consideration by the Committee, see CCPR/C/SR.609-SR.613 and Official Records of the General Assembly, Fortieth session, Supplement No. 40 (A/40/40), paragraphs 628-681.

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1. This report supplements the initial and second periodic reports submitted in accordance with the International Covenant on Civil and Political Rights (CCPR/C/1/Add.34 and CCPR/C/32/Add.4).

2. The third periodic report is submitted under article 40 of the Covenant and in accordance with the decision on periodicity of the Human Rights Committee. In its preparation, account was taken of the guidelines regarding the form and contents of periodic reports, which state that "the aim of reports submitted under article 40, paragraph 1 (b), will be to complete the information required by the Committee under the Covenant and to bring it up to date".

3. Under the Constitution, "the Ukrainian Soviet Socialist Republic is a socialist State of the whole people, expressing the will and interests of the workers, peasants and intelligentsia, the working people of all nationalities of the Republic" (art. 1).

4. The Constitution of the Ukrainian SSR states that "the principal direction in the development of the political system of Soviet society is the extension of socialist democracy, namely ever broader participation of citizens in managing the affairs of society and the State, continuous improvement of the machinery of the State, heightening of the activity of public organizations, strengthening of the system of people's control, consolidation of the legal foundations of the functioning of the State and of public life, greater openness and publicity, and constant responsiveness to public opinion" (art. 9). Under article 37 of the Constitution of the Ukrainian SSR, "citizens of the Ukrainian SSR enjoy in full the social, economic, political and personal rights and freedoms proclaimed and guaranteed by the Constitution of the USSR, the Constitution of the Ukrainian SSR and by Soviet laws. The socialist system ensures enlargement of the rights and freedoms of citizens and continuous improvement of their living standards as social, economic and cultural development programmes are fulfilled".

5. These constitutional provisions are now being consistently applied in practice. The period since the submission of the second periodic report of the Ukrainian SSR has been full of important political events in the life of our country: the XXVII Congress of the Communist Party of the Soviet Union (CPSU) and the XXVII Congress of the Ukrainian Communist Party, the XIX All-Union Party Conference, the first Congress of People's Deputies of the USSR and the first session of the Supreme Soviet of the USSR. A plenum of the CPSU Central Committee was held in September 1989 on the nationalities question, and the tenth session of the Supreme Soviet of the Ukrainian SSR took place in October of that year.

6. The tenth session of the Republic's Supreme Soviet enacted a number of laws aimed at improving the political system, including in particular the acts of the Ukrainian SSR on "Amendments and supplements to the Constitution (Fundamental Law) of the Ukrainian SSR", on "Elections to local Soviets of People's Deputies of the Ukrainian SSR" and on "Languages in the Ukrainian SSR".

7. Socialist democracy is now being developed and extended, the system of rights and freedoms of Soviet citizens and the means for their realization are

being improved, and socialist law and order is being strengthened in accordance with the policy of perestroika conducted under the leadership of the Communist Party of the Soviet Union.

8. Work on further improving the Republic's legislation is being actively pursued. During the period under review a number of laws were passed with the aim of more fully safeguarding the rights, freedoms and legitimate interests of the Republic's citizens. A number of important acts of the Ukrainian SSR are at the drafting stage.

9. A bill on inventions and a draft set of Fundamental Principles of Criminal Legislation were submitted for broad public discussion in late 1988, and bills on property, land, the press and other matters were likewise made public in 1989. A statutory order on administrative restructuring of the economic and social spheres in the Union Republics on the basis of self-management and self-financing is currently being drafted.

10. In April 1989, the Ukrainian SSR informed the Secretary-General of the United Nations that it recognizes the compulsory jurisdiction of the International Court of Justice with respect to six treaties: the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, the 1952 Convention on the Political Rights of Women, the 1965 International Convention on the Elimination of All Forms of Racial Discrimination, the 1979 Convention on the Elimination of All Forms of Discrimination against Women and the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

11. Any dispute which may arise in future between the Ukraine and other parties to the above conventions regarding their interpretation or application can, at the request of one of the parties, be referred to the International Court of Justice. It will be the policy of the Ukrainian SSR to ensure the maximum possible recognition of the jurisdiction of the International Court of Justice with respect to international agreements in the field of human rights.

12. Information concerning new legislation adopted since the submission of the second periodic report of the Ukrainian SSR is given below with reference to specific articles of the International Covenant on Civil and Political Rights. Information of direct relevance to matters covered by the Covenant can also be found in a number of other reports submitted in recent years by the Ukrainian SSR to the United Nations and its bodies under various international procedures. These include the reports of the Ukrainian SSR on implementation of the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD/C/172/Add.14) and of the International Convention on the Suppression and Punishment of the Crime of Apartheid (E/CN.4/1988/30/Add.1), and the report on implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW/C/13/Add.8 and the addendum thereto). Also of direct relevance to the implementation of article 1 of the Covenant is the information provided by the Ukrainian SSR to the United Nations under General Assembly resolution 38/17 of 22 November 1983 (concerning the right of peoples to self-determination) and included in the Secretary-General's report on that subject. The Secretariat of the United Nations is also regularly sent other information relevant to the provisions of the Covenant, in particular on the implementation of the

Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, on national policy in the social sphere, and on national experience in the implementation of fundamental socio-economic changes with a view to achieving social progress.

Article 1

(Right to self-determination)

13. In December 1917, giving effect to the right of nations to self-determination won by the Great October Socialist Revolution, the people of the Ukraine formed their own State, the Ukrainian Soviet Socialist Republic. It has existed in its present form (with some changes) since December 1922, when the Ukrainian SSR voluntarily and on the basis of equal rights joined with other Soviet Socialist Republics to form the Union of Soviet Socialist Republics, a federal multinational State. The specific feature of the newly-formed Union State was that all its constituent Union Republics retained, and continue to have, the status of sovereign States with all their inherent attributes.

14. Under its present Constitution of 1978, the Ukrainian SSR is free to pursue its own economic, social and cultural development (art. 72). As a sovereign State, the Ukrainian SSR has the right to enter into relations with other States, conclude treaties with them, exchange diplomatic and consular representatives and take part in the activities of international organizations (art. 74). The Ukrainian SSR retains the right freely to secede from the USSR (art. 69). The territory of the Ukrainian SSR cannot be altered without its consent (art. 70). The Republic lays down the procedure for the use of land, natural resources, water, forests, etc. (art. 72). Under article 97 of the Constitution, "the Supreme Soviet of the Ukrainian SSR is empowered to deal with all matters within the jurisdiction of the Ukrainian SSR".

15. It is in particular the exclusive prerogative of the Supreme Soviet of the Ukrainian SSR to deal with such matters as bringing before the Congress of People's Deputies of the USSR or the Supreme Soviet of the USSR the question of repealing laws adopted by those bodies or acts of the Supreme Soviet and its chambers if they fall outside the jurisdiction of the USSR and infringe the Republics' sovereign rights, and to suspend the validity of enactments of the USSR Council of Ministers and of ministries and departments of the USSR in the territory of the Ukrainian SSR if these are not in conformity with the Constitution and laws of the Ukrainian SSR, and at the same time to bring the question of repealing such enactments before the Supreme Soviet of the USSR.

16. In its foreign policy the Ukrainian SSR consistently and steadfastly advocates the earliest possible realization of the right of peoples to self-determination, works for the complete elimination of colonialism, racism and apartheid and supports national and social progress through the establishment of a comprehensive system of international security.

Article 2

(Equality of rights and guarantee of legal protection)

17. The principle set forth in article 32 of the Constitution of the Ukrainian SSR that citizens of the Republic enjoy equal rights and are equal

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before the law has been further developed in a number of legislative acts adopted since 1978. These were mentioned in the Ukrainian SSR's previous reports and are still in force today.

18. At the same time, in the course of the restructuring and democratization of the entire political system in the Republic, substantial changes are being made to strengthen the equality of rights of citizens of the Ukrainian SSR and to provide better legal protection.

19. An important safeguard of the individual's rights is the right of citizens under the Constitution of the Ukrainian SSR to lodge complaints against actions by officials or by State or public bodies. Such complaints must be considered in accordance with the procedure and within the time-limits established by law. Appeal may be made to the courts against actions by officials which contravene the law, exceed their powers or infringe citizens' rights, on the basis of the USSR Act of 30 June 1987 entitled "Procedure for appeal to the courts against unlawful actions of officials infringing citizens' rights" (Vedomosti Verkhovnogo Soveta USSR, 1987, No. 26, p. 388; No. 42, p. 692). The provisions of the Constitution of the Ukrainian SSR (art. 56) and the corresponding clauses of the USSR Act are further developed in the Code of Civil Procedure of the Ukrainian SSR, which has been supplemented by a section 31-A entitled "Complaints against unlawful actions of officials infringing citizens' rights".

Article 3

(Equal rights of men and women)

20. Article 3 of the Covenant concerning the equal right of men and women to the enjoyment of all civil and political rights is reflected in article 33 of the Constitution of the Ukrainian SSR. The enjoyment of these rights is ensured by providing equal opportunities for men and women in education and vocational training, in employment, remuneration for their work and promotion and in social, political and cultural activities, as well as by special measures of labour and health protection for women; by creating conditions enabling women to combine work with motherhood; and by legal protection for mothers and moral support for mothers and children.

21. By a decree of the Presidium of the Supreme Soviet of the Ukrainian SSR dated 30 October 1987 (Vedomosti Verkhovnogo Soveta USSR, 1987, No. 45, p. 904), amendments were made to the Code of Labour Laws of the Ukrainian SSR relating to part-time work and to the procedure for transferring pregnant women and women with children less than 18 months old to lighter work, as well as job placement for them in case of redundancy.

22. The new version of article 56 of the Code of Labour Laws states that shorter daily or weekly working hours may be agreed between employees and management either on recruitment or afterwards. It stipulates in particular that management is obliged to set shorter daily or weekly working hours if so requested by a pregnant woman or a woman with a child under eight years of age.

23. Article 178 of the Code of Labour Laws now provides that pregnant women are entitled, on presentation of a medical certificate, to have their

productivity norms lowered or to be transferred to other lighter work, which does not expose them to harmful industrial conditions, while continuing to be paid at the average rate for their former work.

24. Women who have children aged less than 18 months and who are unable to perform their former work are transferred to other work but are still paid according to the average wage for their former work until the child reaches the age of 18 months. Under article 179, women on leave to look after children may, if they so desire, work either part-time or at home. In such cases, the woman still has the right to a child-care allowance while on part-paid leave.

25. No pregnant woman or woman with a child aged less than 18 months may be dismissed by management except where the institution, enterprise or organization is wholly liquidated, in which case alternative employment must be found for the person concerned. Management is also bound to find alternative employment for any pregnant woman or woman with a child aged less than 18 months if she is dismissed on the completion of a fixed-term contract of employment (art. 184 of the Code of Labour Laws).

26. Pregnant women and women with children under two years of age (formerly the rule was children less than one year old) cannot be employed on night or overtime work or on days-off, nor sent on mission. Women with children aged from two to eight years cannot be employed on overtime work or sent on mission without their consent. Women with children aged less than 18 months, in addition to rest and meal breaks, are allowed extra breaks to feed their child. These breaks are counted as working time and paid at the average rate (arts. 55, 63, 176, 177 and 183 of the Code of Labour Laws).

Article 6

(Right to life)

27. The Ukrainian SSR regards the right to life as the highest social value, the basis and essential condition for enjoyment of the whole range of economic, social, cultural, civil and political rights. No civilized society can survive if it does not guarantee the paramount, inalienable right of man - the right to life, without whose realization all other rights become meaningless.

28. Today the right of each individual or collective body and of all peoples to life is closely bound up with their right to peace and international security. Clearly recognizing that the greatest threat to universal peace is posed by nuclear weapons, whose continued production, stockpiling and testing can lead to a nuclear war capable of destroying all life on Earth, the Ukrainian SSR advocates within the United Nations the adoption of a multilateral international treaty on the complete and universal prohibition of nuclear weapons. As such a treaty has not yet been adopted, however, the Ukrainian SSR supports all partial measures of an international nature taken on a universal (United Nations), regional and even bilateral basis to limit the scope of nuclear weapons testing, to reduce the stockpiles of such weapons and to eliminate them from various territories.

29. All people have the right to life, regardless of their skin colour, language, sex or religion. With a view to ridding mankind of massive

violations of human rights and freedoms in such hideous and bestial forms as genocide, nazism and apartheid, the Ukrainian SSR is actively co-operating with the international community to secure the observance of such international instruments as the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, the 1965 International Convention on the Elimination of All Forms of Racial Discrimination, the 1968 Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity and the 1973 International Convention on the Suppression and Punishment of the Crime of Apartheid.

30. The domestic laws of the Ukrainian SSR against violations of the right to life are fully consistent with the provisions of the Covenant. Thus, pending the complete abolition of the death penalty, sentence of death by shooting may be imposed in the USSR only for the most serious crimes, as required by article 6, paragraph 2 of the Covenant. Furthermore, the death sentence is not imposed in the Ukrainian SSR for crimes committed by persons below 18 years of age and is not carried out on pregnant women. This fully meets the requirements of article 6, paragraph 5 of the Covenant.

31. The new draft Fundamental Principles of the Criminal Legislation of the USSR and Union Republics, which also form the basis of the criminal legislation of the Ukrainian SSR since they were framed and discussed, and will be adopted, with its active participation, provide that the death penalty shall not be applied to women (instead of just not to pregnant women, as at present), or to men who have reached the age of 60.

32. Since the submission of the Republic's previous report, amendments have been made to the criminal legislation of the Ukrainian SSR concerning the protection of citizens' right to life and health. The Criminal Code has been supplemented by an article 108 (2) making it a serious offence to infect other citizens deliberately with the disease AIDS, an article 123 (1) against banditry, terrorism and hostage-taking, and an article 123 (2) making it a criminal offence to place any person known to be mentally sound in a psychiatric hospital.

Article 7

(Torture or cruel, inhuman or degrading treatment or punishment)

33. As already mentioned in previous reports, the criminal legislation and penal procedure of the Ukrainian SSR categorically prohibit torture and any other forms of cruel treatment in the course of an investigation.

34. Further to this it should be noted that, by a decree of the Presidium of the Supreme Soviet of the Ukrainain SSR dated 16 April 1984, a new version of article 22 of the Code of Criminal Procedure was approved. It states: "No testimony shall be extracted from an accused person or any other party involved in a case by means of violence, threats or other unlawful means".

35. Article 175 of the Criminal Code of the Ukrainian SSR makes it a criminal offence to use coercion to obtain evidence. Extraction of evidence during interrogation, by illegal acts on the part of the person conducting the inquiry or preliminary investigation, is punishable by deprivation of liberty

for up to three years. The same act, accompanied by violence or mockery directed against the person under interrogation, is punishable by deprivation of liberty for a term of between two and eight years.

36. The Ukrainian SSR is steadfastly working to rid mankind of the odious practice of torture and supports United Nations efforts directed to ensuring its complete and universal prohibition. Representatives of the Ukrainian SSR took an active part in the drafting and adoption by the United Nations in 1984 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. This Convention was ratified by the Presidium of the Supreme Soviet of the Ukrainian SSR on 26 January 1987.

Article 8

(Prohibition of slavery, the slave trade or forced labour)

37. There is no slavery, nor any slavery-like practices, in the Ukrainian SSR. The role of labour within society is defined in article 14 of the Constitution of the Ukrainian SSR, which states that the growth of social wealth and the well-being of the nation and of each individual Soviet citizen derive from the non-exploitative labour of the Soviet people, and that it is socially useful labour and its results which determine the position of the individual in society.

38. The concept of the right to work as defined by the Constitution of the Ukrainian SSR (art. 38) includes the right of every citizen of the Republic freely to choose a profession. This provision is amplified in article 2 of the Labour Code of the Ukrainian SSR which says: "The right of citizens of the Ukrainian SSR to work (i.e. to guaranteed employment and pay in accordance with the quantity and quality of their work and not below the State established minimum) includes the right to choose their trade or profession, type of job and work in accordance with their inclinations, abilities, training and education, taking due account of the needs of society. This right is ensured by the socialist economic system and the steady growth of productive forces, by free vocational and professional training, improvement of skills and training in new trades or professions, and by development of the systems of vocational guidance and job placement.

39. "Manual and non-manual workers exercise their right to employment by signing a contract of employment at an enterprise, estabishment, institution or organization. They have the right to rest and leisure in accordance with the laws on the working day and working week and annual paid leave, the right to healthy and safe working conditions, the right to join trade unions and to take part in the management of production, and the right to material assistance from the State in the form of State social insurance for old age, illness or complete or partial disability."

40. A series of additional guarantees regarding the freedom to choose a profession can be found in a new chapter (III-A) of the Labour Code of the Ukrainian SSR entitled: "The provision of employment for workers made redundant." Article 49, "Safeguarding the right to work of employees made redundant", stipulates that: "In the event of redundancy, a worker's right to guaranteed employment is upheld by: the provision of alternative work in the same enterprise, establishment, institution or organization; the provision of work in the same profession, trade or skill but in a different enterprise,

establishment, institution or organization, or, failing that, different work, with due regard to the wishes of the individual and the needs of society, or the opportunity to learn a new profession (trade), with assignment to a corresponding post". Article 49.2 of the Labour Code of the Ukrainian SSR states that workers must be personally given at least two months' notice of a forthcoming redundancy.

41. In giving notice of redundancy as a result of a reduction in staff or workforce, the management must at the same time offer the worker other employment in the same enterprise, establishment, institute or organization. If there is no post corresponding to the manual or non-manual worker's profession or trade, and should he refuse a transfer to a different post in the same enterprise, establishment, institute or organization, then, at his own discretion, the employee may appeal to the job placement body for help, or look for employment independently. At the same time, the management must inform the job placement body of the worker's forthcoming redundancy, indicating profession, trade, skills and rate of pay.

42. The job placement body shall offer the manual or non-manual worker employment corresponding in the same or a different locality to his or her profession, trade or qualification and, if there is none available, shall select another job, taking due account of the wishes of the individual and the needs of society. If necessary the worker can, with his agreement, be sent for retraining in a new profession (trade) and subsequently provided with work.

Article 9

(Right to liberty and security of person)

43. As indicated in the two previous reports, the provisions of the Constitution relating to freedom from arbitrary arrest and the inviolability of the person (art. 52) are amply spelled out in Ukrainian legislation and consistently applied in practice.

44. Organs of the Procurator's Office are responsible for supervision of the implementation of this constitutional regulation. The all-Union Act on the Procurator's Office of the USSR, adopted on 30 November 1979, introduced improvements to the previous legislation (see also the comments above on article 2 of the Covenant). Under article 28 of the Act, the Procurator's Office is required to ensure in particular that: the holding of citizens on suspicion of having committed offences complies with the procedure and principles laid down by law; that no one is required to answer unlawful or unfounded criminal charges or suffer any other unlawful restriction of his or her rights; that no one is arrested without a court order or a procurator's warrant; that the procedures laid down by law for the initiation of criminal proceedings and for the conduct of criminal investigations, the time limits for such investigations and the rights of participants in the proceedings and of other citizens are respected; and that in the investigation of offences, the legal requirements for a thorough, full and objective investigation of all the circumstances of the case are complied with and evidence both for and against the accused, as well as aggravating and mitigating circumstances are examined.

45. In article 30 of the Act, it is stated that the procurators shall authorize the arrest of a suspected or accused person only on presentation of the evidence required by law. The same article contains a precise list of the officials of the Procurator's Office who are empowered to authorize arrest. The Act requires procurators to order the immediate release of any person unlawfully held in detention, unlawfully detained pending the bringing of charges, or unlawfully remanded in pre-trial custody, etc. (art. 43).

46. The legal requirement that the reason for an arrest must be made known to the person concerned at the time of the arrest and that a charge must be brought against him or her with the minimum possible delay (art. 9), is solidly grounded in the Code of Criminal Procedures of the Ukrainian SSR (arts. 155, 156, 157, 161, 165, 274, 343, 434).

47. Thus, article 157 of the Code of Criminal Procedures of the Ukrainian SSR lays down that the Procurator shall authorize the arrest of a suspected or accused person where there are sufficient grounds. In deciding whether to authorize the arrest, the procurator must take thorough cognizance of all the material grounds for the detention, personally interrogating the suspected or accused person where necessary and, if that person is a minor, in all cases.

48. Under article 161 of the Code of Criminal Procedures of the Ukrainian SSR, the organs of inquiry are responsible for informing the suspected or accused person's spouse or other relatives, of his arrest and current whereabouts, and also reporting them to his place of work. If the accused person is a foreign citizen, details concerning the arrest are sent to the Ukrainian Ministry for Foreign Affairs.

49. The right to compensation of those subjected to unlawful arrest or detention, as laid down in article 9, paragraph 5, of the Covenant is not only upheld in the Constitution of the Ukrainian SSR (art. 56) but has been further developed in law. On 18 May 1981, the Presidium of the Supreme Soviet of the USSR adopted a Decree on compensation for damage caused to citizens by the unlawful actions of State and public organizations and of officials in the performance of their duties. This Decree also ratified the Regulations on the procedure for compensation for damage caused to citizens by the unlawful actions of organs of enquiry or preliminary investigation, the Procurator's Office or the court.

50. Pursuant to these legislative acts, damage caused to a citizen as a result of unlawful conviction, unlawful indictment in criminal proceedings or unlawful arrest or detention in custody, must be fully compensated by the State irrespective of the culpability or otherwise of officials of the organs of enquiry or preliminary investigation, the Procurator's Office or the courts. Citizens are compensated (through the payment of earnings, pensions or allowances, the return of or compensation for seized or confiscated property, compensation for fines imposed, court costs, legal fees, etc.) for material damage, and (through reinstatement in the same or equivalent work or functions, housing, military rank or civilian position, the restoration of orders and medals, and the voiding of defamatory information or published material) for the loss of employment, pension, housing and other rights. Other damage is also compensated.

51. In the event of acquittal, or withdrawal of criminal or administrative proceedings, the organ of inquiry or preliminary investigation or of the

Procurator's Office, or the court is required to explain to the citizen who was under investigation the procedure for obtaining restoration of his or her rights and compensation for any other damage. The same bodies must, within one month of the citizen's request, determine the amount of compensation due.

52. If a request for the restoration of employment, pension or housing rights is not complied with or the citizen concerned disagrees with the decision, he or she has the right to apply to the courts by bringing an action. In such cases, the citizen is exempted from court costs.

Article 10

(Right of persons deprived of their liberty to humane treatment and respect for human dignity)

53. In article 3 of the Act of 5 June 1981 on the judicial system of the Ukrainian SSR it is emphasized that a court's aim in imposing criminal penalties is not merely to punish criminals, but also to reform and re-educate them. Under article 1 of the Corrective Labour Code of the Ukrainian SSR, punishment "is not intended to inflict physical suffering or degrade human dignity".

54. Note should be taken of the current trend towards a gradual reduction in the percentage of convicted persons sentenced by the Republic's courts to deprivation of liberty. In the last two years, only one third of all persons found guilty of a criminal offence have been punished in this way. This is due to the use of other forms of punishment not involving deprivation of liberty and wide resort to conditional and suspended sentences. A number of statutory orders have recently been issued establishing certain privileges and removing certain restrictions on the conditions in which sentences are served.

55. For example, by a Decree of the Presidium of the Supreme Soviet of the Ukrainian SSR of 3 August 1988, changes were made to article 75 of the Corrective Labour Code considerably increasing the calorific value of the standard diet of persons undergoing punishment for disciplinary misdemeanours (i.e. persons placed in solitary confinement and those transferred to cell-like premises).

56. The regulations governing corrective labour institutions have also been altered and supplemented. Thus:

Hostels for convicted persons are now provided with refrigerators and with black-and-white or colour television;

Restrictions on the quantity of tea a convicted person may acquire and keep have been lifted;

A convicted person is permitted to acquire and keep religious literature, and to possess and wear crucifixes or other similar religious objects, made from non-precious metals, and modestly coloured sports clothing;

During extended visits, the wearing of civilian clothes, brought in by relatives, is permitted;

Any item of food or drink (except for wines, spirits and beer) may be brought into the rooms where extended visits are conducted;

All corrective labour institutions (except prisons) are permitted to organize concerts by professional artists with a charge for admission.

57. A Decree adopted by the Ukrainian Ministry for Internal Affairs stipulates that:

Convicted persons detained in corrective labour institutions may wear clothing of their choice, provided they conform to the patterns of the Ministry for Internal Affairs of the USSR, and in the three months preceding release to acquire or make civilian clothes;

The use of bunk beds is to be phased out;

The range of services available to convicted persons against payment (garment alterations, haircutting, training courses, etc.) is to be widened;

Convicted persons may use cosmetics purchased at the institution's shop;

Convicted persons have the right to conduct telephone conversations at their own expense with close relatives, including long-distance calls.

58. Measures to humanize condition of detention in educational labour colonies are being widely undertaken. Thus, in an effort to rid them of attributes characteristic of corrective labour colonies and prisons:

Watch-towers along the main fence enclosing the grounds of the colony have been removed;

Barbed wire fences have been dismantled;

Bars have been removed from the windows of the living quarters.

59. The equipment of disciplinary isolation units and the conditions of detention therein have been altered:

Window-blinds, which hinder the access of daylight and fresh air, have been removed;

Fold-away beds have been replaced by metal bedsteads;

Radios have been installed, and minors have access to board games, books, newspapers and magazines; they may also send letters;

There is no reduction in dietary standard and room temperatures are maintained at a minimum of 20° C.

60. Persons detained in isolation units are given the opportunity to participate in productive labour. Merit badges have been abolished, and short hairstyles are permitted. Pupils are allowed to wear scarves and warm underclothes, provided these do not interfere with the outer appearance and established standards of dress. The system of short visits to reformatories

by pupils' relatives has been improved and now offers the possibility of direct contact with them. These visits are conducted in specially equipped and tastefully decorated rooms, which do not contain the traditional partitions and telephone links between pupils and visitors.

61. The Department for Internal Affairs of the Kharkov Regional Executive Committee, by agreement with the Procurator's Office, allows extended visits (up to 12 hours) at the Kuryazh educational labour colony. As an incentive, pupils are also allowed to conduct telephone conversations with close friends and relatives abroad. In the current year autumn, winter, and spring holidays for pupils have been introduced and a health-promotion period incorporated into the school curriculum. Permission has also been granted for the setting up of health-promotion complexes, comprising gymnasiums, hydrotherapy units and games machines. Psychological relaxation rooms are also available.

62. According to Ukrainian criminal and corrective labour law, convicted minors, serving sentences which entail the loss of personal liberty, must be detained separately from adults, in educational labour colonies. However, in order to increase the effectiveness of the policy of reform and re-education, and enable them to complete their general education or vocational training, the law also allows convicted persons to be kept in these colonies upon reaching the age of 18, but not beyond the age of 20 (art. 27 of the Corrective Labour Code of the Ukrainian SSR).

Article 11

(Prohibition of imprisonment on the ground of inability to fulfil a contractual obligation)

63. As indicated in the previous reports, the legislation of the Ukrainian SSR makes no provision for imprisonment on the ground of inability to fulfil any contractual obligation, and no such cases have ever been brought before the courts.

Article 12

(Freedom of movement and choice of residence; right to leave any country)

64. As indicated in the initial report, citizens of the Ukrainian SSR enjoy freedom of movement, free choice of residence and other rights meeting the requirements of article 12 of the Covenant.

65. The right to depart freely from the country and return to it unimpeded is subject to certain restrictions. In March 1989, the Ministry for Foreign Affairs of the USSR, with the participation of a number of competent State organs and organizations, completed the drafting of a new Act of the USSR on entry and departure, which is currently being considered by the Supreme Soviet of the USSR. This Act provides, in particular, for significant simplification of the procedure for processing exit documents, abolition of the high compensation charge levied for departure, revocation of the 1967 Decree depriving those leaving the country of their citizenship, and a more democratic procedure for temporary departure from the USSR and return thereto.

Article 13

(Expulsion of aliens)

66. In addition to the information contained in the two previous reports, it should be noted that the Act on the legal status of aliens in the USSR, of 24 June 1981, specifies the circumstances in which aliens may be expelled (deported) from the USSR. Under article 31 of the Act, aliens may be expelled if their activities jeopardize State security or public order; if expulsion is necessary to protect the health and morals of the population or to safeguard the rights and legitimate interests of USSR citizens and other persons; or if they have grossly violated legislation concerning the legal status of aliens in the USSR or customs, currency or other Soviet legislation.

67. The aforementioned Act of 1981 remains in force and no changes to the principles embodied in the legislation on the legal status of aliens in the USSR have since been introduced. However, with regard to the possibility of forcibly expelling an alien from the USSR, the provision, "if necessary to protect the health ... of the population" has been made somewhat more specific. The text concerned is the Decree of the Presidium of the Supreme Soviet of the USSR on "Measures for preventing infection with the AIDS virus", adopted on 25 August 1987, which states that any foreign citizen in whose blood the AIDS virus is detected, or who declines to undergo the required medical examination, will be requested to leave the USSR voluntarily, and that in case of a refusal to depart the appropriate coercive measures will be applied to the person concerned.

Article 14

(Equality of all citizens before the courts; right to a fair hearing)

68. Article 32 of the Constitution of the Ukrainian SSR proclaims that "Citizens of the Ukrainian SSR are equal before the law, without distinction of origin, social or property status, race or nationality, sex, education, language, attitude to religion, type and nature of occupation, domicile, or other status". The basic principle of the equality of all citizens is developed and given concrete expression in article 154 of the Constitution which says that "justice is administered in the Ukrainian SSR on the principle of equality of citizens before the law and the courts".

69. In the sphere of criminal procedure, this same principle is reflected, in particular, in article 16 of the Code of Criminal Procedure of the Ukrainian SSR, guaranteeing equal rights for participants in legal proceedings. This article provides that all participants must have a full opportunity to state their position and to defend their rights and legitimate interests. With reference to the court examination in a criminal trial, Ukrainian law states that prosecution, accused, counsel for the defence, injured party, civil plaintiff, civil respondent, and their representatives at the hearing enjoy equal rights with regard to the presentation of evidence, participation in the examination of evidence, and presentation of pleas (art. 261 of the Code for Criminal Procedure of the Ukrainian SSR).

70. Any citizen who commits a crime is answerable for his actions before the court which is empowered to consider and to pass judgement on cases of the category concerned. One and the same penal law is applicable to all crimes of

any one category, and the preliminary investigation and judicial examination are conducted according to the established legal procedure, which is the same for all courts and all criminal cases.

71. The right to a fair hearing is inseparably linked to the court's status in society and its guaranteed independence in considering cases. In October 1989, changes to provide stronger guarantees of the independence of the courts were made in the Constitution of the Ukrainian SSR. Article 150 states that the judges of the people's courts shall be elected by the corresponding higher Soviets of People's Deputies, and that all judges shall be elected for a 10-year term and people's assessors for a five-year term (previously five and two and a half years respectively). Judges and people's assessors are responsible to their electors or the bodies that elected them, must report back to them, and may be relieved of their duties by them in the manner prescribed by law.

72. The Supreme Soviet of the USSR has passed an Act on the status of judges in the Soviet Union, which contains a series of new and important clauses aimed at enhancing the authority of their courts and ensuring the independence of judges in administering the law. In particular, this Act prescribes sanctions for any display of disrespect for the court on the part of participants in proceedings or citizens attending a court session, or any act by any person constituting a clear contempt of court. Many clauses deal with the inadmissibility of interference in the court decisions and with guarantees of the inviolability of judges and people's deputies. The Act also contains rules specifying what is required of candidate judges and people's deputies and setting out the procedures for selecting candidate judges and electing judges and for the recall and dismissal before their term expires of judges and people's deputies.

73. Since the presentation of the second periodic report on the exercise in the Ukrainian SSR of the rights and freedoms specified by the International Covenant on Civil and Political Rights, the Ukrainian SSR has also adopted the Ukrainian Code on Breaches of Administrative Law, which came into force on 1 June 1985. Ukrainian legislation on breaches of administrative law is intended to safeguard the social structure of the USSR, property, the social, economic, political and personal rights and freedoms of citizens, and also the rights and legitimate interests of enterprises, establishments, institutions and organizations.

74. Article 7 of the Code reaffirms the principle of socialist law: "no one may be subject to any penalty in connection with breaches of administrative law except on the grounds and in the manner established by law. Proceedings in connection with such violations shall be conducted in strict accordance with the rules of socialist law. The application by authorized organs and officials of administrative penalties must be done within the limits of their competence and in strict accordance with the law."

75. Administrative penalties are sanctions applied in order to educate a person who has committed an administrative offence to observe Soviet laws and respect the rules of socialist society, and also to prevent further offences by the same offender or by other persons (art. 23).

76. The following types of administrative penalty are applied: a warning; a fine; forfeiture or confiscation of the article which served to commit or was

the direct cause of the administrative offence; deprivation of a special right granted to the citizen in question (e.g. right to drive a vehicle or to hunt); corrective labour; and administrative detention.

77. Any case involving an administrative offence is examined on the principle of the equality of all citizens before the law and the body (official) examining the case, regardless of their origin, social or property status, race or nationality, sex, education, language, attitude to religion, type and nature of occupation, place of residence or other circumstances (art. 248).

78. The Code on Administrative Offences of the Ukrainian SSR (art. 268) clearly establishes the right of a person charged with an administrative offence to study the case file, give explanations and submit evidence and petitions; when the case is heard, he has the right to legal counsel and to express himself in his mother tongue and utilize the services of an interpreter if he does not know the language used in the proceedings, and to appeal against the decision taken.

Article 17

(Freedom from arbitrary interference with privacy, inviolability of the home and secrecy of correspondence)

79. The constitutional provisions on the inviolability of the home (art. 53) and on the protection of citizens' privacy (art. 54) have been further developed in Ukrainian legislation. A decree of the Presidium of the Supreme Soviet of the Ukrainian SSR of 16 April 1984 added to the Code of Criminal Procedure a new article reading:

> "Citizens are guaranteed inviolability of the home. No one may, without lawful ground therefor, enter any dwelling against the will of those living in it.
>
> "The private life of citizens and secrecy of correspondence, telephone conversations and telegraphic communications are protected by law.
>
> "Searches, confiscation or inspection of correspondence in citizens' homes, seizure of mail and its confiscation from post-office premises are permissible only on the grounds and according to the procedure established by this Code".

80. Any breach of the inviolability of a citizen's home is punishable as a criminal offence. Article 130 of the Criminal Code of the Ukrainian SSR provides that any unlawful search, unlawful eviction or other action in breach of the inviolability of a citizen's home by an official is punishable by deprivation of liberty for a term of up to one year, or by corrective labour for the same period, or by a fine of up to 100 roubles, or by a public reprimand.

81. Article 131 of the Criminal Code of the Ukrainian SSR now recognizes as a criminal offence violation of the secrecy of telephone conversations or of telegraphic communications; it previously covered only violations of the secrecy of correspondence (decree of the Presidium of the Supreme Soviet of the Ukrainian SSR dated 12 January 1983). The same decree established a new

version of article 125 of the Criminal Code, whereby defamation, i.e. the spreading of deliberate and damaging fabrications, is made a criminal offence. The article contains a separate paragraph dealing with the offence of defamation in print or by any other means of reproduction.

82. Hostage-taking, i.e. the abduction and holding of a person as a hostage, combined with threats to kill, inflict bodily injury on or continue to hold that person with the aim of forcing a State, international organization, natural or legal person or group of persons to perform or refrain from performing an act as a condition of the hostage's release, has been made a criminal offence under article 123 (1) of the Criminal Code of the Ukrainian SSR (Vedomosti Verkhovnogo Soveta USSR, 1987, No. 32, p. 631).

83. Article 123 (2) of the Criminal Code of the Ukrainian SSR makes it an offence to place any person known to be mentally sound in a psychiatric hospital. Any person guilty of such an offence may be punished by deprivation of liberty for a term of up to two years or by corrective labour for the same period, with or without deprivation of the right to hold certain posts or to engage in certain activities for a period of between one and three years (Vedomosti Verkhovnogo Soveta USSR, 1988, No. 8, p. 212).

84. A decree of the Presidium of the Supreme Soviet of the Ukrainian SSR dated 23 January 1981 established a new version of article 187 of the Code of Civil Procedure of the Ukrainian SSR. This article, to which a provision concerning the secrecy of telegraphic communications was added, provides that in order to preserve the secrecy of correspondence and telegraphic communications, citizens' personal correspondence and telegraphic communications may not be read out in open court except with the agreement of the senders and recipients. In the absence of such agreement, the correspondence or communications shall be heard and considered in camera.

85. Article 18 of the USSR Act of 24 June 1981 on the Legal Status of Aliens in the USSR provides that aliens shall be guaranteed inviolability of the person and home and other personal rights in accordance with Soviet legislation.

Article 18

(Right to freedom of thought, conscience and religion)

86. There have been no changes in Ukrainian legislation on this issue. All Ukrainian citizens are guaranteed freedom of conscience, i.e. "the right to profess or not to profess any religion, and to conduct religious worship or atheistic propaganda. Incitement of hostility or hatred on religious grounds is prohibited. The Church in the Ukrainian SSR is separated from the State and the school from the Church" (Constitution of the Ukrainian SSR, art. 50). The constitutional guarantee of freedom of conscience in the Ukrainian SSR is spelt out in the Regulations on Religious Associations in the Ukrainian SSR, which were ratified by a decree of the Presidium of the Supreme Soviet of the Ukrainian SSR on 1 November 1976.

87. The USSR Act on the Legal Status of Aliens, of 24 June 1981, provides that "aliens in the USSR, like citizens of the USSR, shall be guaranteed freedom of conscience" (art. 16). The same article expressly prohibits "incitement to hostility and hatred in connection with religious beliefs".

88. Substantial changes have recently taken place in respect of freedom of conscience. The XIX All-Union Party Conference put forward fundamental provisions to govern the policy of the CPSU and Soviet State concerning religion, believers and religious organizations. In a socialist constitutional State, respect for the individual spiritual life and guarantees of the rights of citizens, irrespective of their attitude towards religion, must be absolute rules of law. The bill on freedom of conscience now being drafted will be based on Leninist principles and will take into all aspects of the present-day situation.

89. In late November 1989 the Council on Religious Affairs of the Council of Ministers of the Ukrainian SSR issued a statement to the effect that all rights established by the Act on Religious Associations in the Ukrainian SSR would apply to Greek Catholics. It was noted that matters relating to the registration of particular religious communities would be decided in accordance with the wishes of the believers themselves.

90. New rules were recently adopted in the Ukrainian SSR governing the relations between corrective-labour institutions and religious organizations and priests. These stipulate that:

Convicts are to be ensured freedom of conscience and religion;

Every convict may hold the religious or atheistic beliefs of his choice and may profess any or no religion;

No convict who is a believer shall be prohibited from observing religious rites or using articles of worship;

Such persons may wear crosses and other similar objects of worship made from non-precious metals;

They may possess books of a religious nature printed in the USSR;

Any convict shall be entitled to present a request to a religious organization, in accordance with the established procedure, for a meeting with a priest;

Such a meeting shall not be counted as one of the visits permitted by law to the convict.

Article 19

(Right to hold and express opinions without interference)

91. Perestroika in the Ukrainian SSR involves further developing glasnost and making it an effective form of control by the whole people. Bills on the press have recently been drafted and previous censorship restrictions have been lifted.

92. Provisions have been incorporated into the Republic's legislation extending the legal safeguards of citizens' rights to freedom of speech and of the press, freedom of assembly, mass meetings, street processions and

demonstrations, and freedom to discuss important matters of State. Article 8 of the Act of the Ukrainian SSR of 4 June 1988 entitled "Popular discussion of matters of importance to State life in the Ukrainian SSR" (Vedomosti Verkhovnogo Soveta USSR, 1988, No. 24, p. 587) provides that such discussion is to be conducted on the principle of wide-openness. The mass information media are to provide comprehensive coverage of the discussion, publish proposals and comments by citizens, State bodies, public organizations and labour collectives, together with reviews of the proposals and comments received, and inform the public about the outcome of the discussion. To regulate matters concerning the organization and conduct of mass gatherings, the Presidium of the Supreme Soviet of the USSR adopted on 28 July 1988 a decree entitled "Procedure for the organization and conduct of assemblies, mass meetings, street processions and demonstrations in the USSR" (Vedomosti Verkhovnogo Soveta USSR, 1988, No. 31, p. 504).

93. No State or public organization, official or citizen has the right to present assemblies, mass meetings, street processions or demonstrations conducted in conformity with the established procedure.

94. The executive committee of a Soviet of Peoples' Deputies may prohibit an assembly, mass meeting, street procession or demonstration if its purpose is contrary to the Constitution of the USSR or to the constitutions of the Union and Autonomous Republics, or if it threatens public order and safety.

95. To ensure public order and protect the rights and interests of citizens during mass gatherings, a decree of the Presidium of the Supreme Soviet of the Ukrainian SSR dated 3 August 1988 has made it an administrative and criminal offence to contravene the established procedure for the organization and conduct of assemblies, mass meetings, street processions and demonstrations (art. 185 (1) of the Code on Administrative Offences and art. 187 (4) of the Criminal Code of the Ukrainian SSR).

96. The Constitution of the USSR (art. 49) and the Constitution of the Ukrainian SSR (art. 47) have established and guarantee to Soviet citizens the right to submit proposals to State bodies and public organizations on ways of improving their activities and to criticize shortcomings in their work. Such interventions by citizens are one of the ways in which they participate in the management of State and public affairs, an important means for the assertion and protection of an individual's rights and a major source of the information needed to deal with current and long-term issues of State, economic, and socio-cultural organization.

97. Spelling out this constitutional provision, an article 134 (1) entitled "Persecution of citizens for criticism" was added to the Criminal Code of the Ukrainian SSR by a decree of the Presidium of the Supreme Soviet of the Ukrainian SSR dated 10 December 1985. This article states that deliberate infringement by an official of the rights and legally protected interests of a citizen involving persecution of that citizen for submitting proposals, petitions or complaints in accordance with the established procedure, for the criticisms contained therein or for voicing criticism in some other form, is punishable by deprivation of the right to hold certain posts for a period of up to one year or by a fine of up to 300 roubles. Any such action, if it has caused substantial harm to the rights and legally protected interests of the citizen, is punishable by deprivation of liberty for a term of up

to two years, or corrective labour for a period of one to two years, or deprivation of the right to hold certain posts for a period of up to three years.

98. It is important to note that, under the present legislation, any damage to a citizen's property resulting from an act committed by an official with a view to persecuting the citizen for criticism is subject to compensation by the enterprise, institution or organization. The latter are entitled to reclaim from the official at fault the amount paid in compensation to the injured party.

99. Taking into account the desire of the working people to step up the fight against anonymous slander, which is incompatible with the principle of open and free discussion in our country of all basic issues of State-wide and local importance, the Presidium of the Supreme Soviet of the USSR decided on 2 February 1988 to add to article 1 of its decree of 12 April 1968, entitled "Procedure for the consideration of citizens' proposals, petitions and complaints", a third paragraph reading: "Any written submission by a citizen must bear his signature and indicate his full name, and in addition to setting out the substance of the proposal, petition or complaint, must contain details of his place of residence, work or study. Any submission not containing such information shall be deemed anonymous and shall not be taken into consideration."

100. In accordance with the decree of the Presidium of the Supreme Soviet of the Ukrainian SSR dated 14 April 1989, article 187 (1) of the Criminal Code of the Ukrainian SSR, making it an offence to disseminate deliberately false allegations injurious to the Soviet State and social system, has been deleted from the Code.

101. A new version of article 62 of the Criminal Code of the Ukrainian SSR adopted on the basis of this decree makes it an offence to call publicly for the overthrow of the Soviet State and social system, for its alteration by means contrary to the Constitution of the USSR and the Constitution of the Ukrainian SSR or for obstruction of the enforcement of Soviet laws with a view to undermining the political and economic system of the USSR, or to prepare and/or disseminate materials containing such appeals.

Article 20

(Prohibition of propaganda for war and racial hatred)

102. In addition to the information contained in the previous reports, it should be noted that article 28 of the Constitution of the Ukrainian SSR expressly states that "in the Ukrainian SSR, war propaganda is banned".

103. In connection with article 20, paragraph 2, of the Covenant, it is appropriate to cite article 62 of the Constitution, which states that "it is the duty of every citizen of the Ukrainian SSR to respect the national dignity of other citizens and to strengthen the friendship of the nations and nationalities of the multinational Soviet State" and article 67, which states that "it is the internationalist duty of citizens of the Ukrainian SSR to promote friendship and co-operation with peoples of other lands and to help maintain and strengthen world peace". There has been no amendment or addition to this legislation.

Article 21

(Right of peaceful assembly)

104. As already indicated in the comments above on article 19 of the Covenant, citizens of the Ukrainian SSR are guaranteed freedom of assembly, mass meetings, street processions and demonstrations (art. 48 of the Constitution). In addition to the guarantees expressly given in the article, these freedoms are ensured by measures provided for in other articles of the Constitution. The following provisions of the Constitution are, for example, directly relevant to the right of peaceful assembly: those on the right of work collectives to take part in discussing and deciding State and public affairs (art. 8), on the extension of openness and constant responsiveness to public opinion (art. 9), on the right of citizens to participate in the management of State and public affairs (art. 46), on the right to submit proposals for improving the activities of State and public bodies and to criticise shortcomings in their work (art. 47), on the right to associate in public organizations (art. 49), on the right to campaign at election time (art. 89), etc.

105. Full implementation of constitutional rules is possible only if they are adequately spelt out in legal instruments. Hence the Decree of the Presidium of the Supreme Soviet of the USSR on the procedure for organizing and conducting assemblies, mass meetings, street processions and demonstrations in the USSR, passed on 28 July 1988.

106. It should also be noted that the wide-ranging powers invested, in accordance with the Act on Work Collectives and the Enhancement of their Role of the Management of Enterprises, Institutions and Organizations, of 17 June 1983, in all work collectives, are directly realized by public meetings of the collectives in enterprises, institutions and organizations.

Article 22

(Freedom of association)

107. The Constitutional right of Ukrainian citizens to freedom of association, including the right to form trade unions and join them, was considered in detail in the first two reports. Information on the rights and activities of trade unions in the Ukrainian SSR is also to be found in the reports of the Ukrainian SSR on the implementation of the International Covenant on Economic, Social and Cultural Rights.

108. Article 15 of the Act on the Legal Status of Aliens in the USSR, of 14 June 1981, grants to aliens permanently resident in the USSR the right to join trade unions, co-operative organizations, scientific, cultural and sporting associations and other public organizations on the same basis as citizens of the USSR, provided that this is not contrary to the statutes of those organizations.

109. Under perestroika the citizens of the Ukrainian SSR have been quite active in exercising their constitutional right to peaceful assembly. Such assemblies are often held by persons who do not share official points of view. Such activities must not, however, involve violations of administrative law.

110. It should be noted, however, that Soviet jurisprudence has not yet produced clear guidelines as to which associations can be categorized as public organizations or other forms of public structure, which has an undoubted bearing on the nature of the regulations in this domain. Furthermore, the rights of public organizations have little or no backing in the legal system. Hence the fundamental arrangements concerning their formation, their interaction with State bodies, their role in the exercise of political authority and the management of State and public affairs, and their manner of utilizing the powers granted to them still need to be worked out within the framework of the system of public organizations.

111. It is also a fact of contemporary Soviet political life that a sector of so-called "informal" socio-political organizations and interest groups has emerged, mostly with activities directed towards positive goals. At the same time, in practice such activities face considerable legal obstacles. Action associations have to fit in with outdated legislation on voluntary bodies passed in the 1930s and now in need of revision. Clearly, the establishment of a well thought out legal framework is essential for the legalization of informal associations. This alone can fully guarantee the citizens' right to associate in public organizations (art. 49 of the Constitution of the Ukrainian SSR). Such legislation is currently at the drafting stage.

Articles 23 and 24

(Protection of the family and the child)

112. The constitutional provisions relating to the protection of the family and the child have recently been further spelt out in legislative enactments of the Ukrainian SSR designed to widen the assistance afforded to young families and provide additional benefits to pregnant women and women with children. This aim has been greatly furthered by the Decree of the Presidium of the USSR Supreme Soviet on extended benefits for working women and women with young children of 2 September 1987. These benefits include, in particular: a reduced working day or working week, of 18 months' paid maternity leave, a ban on dismissal of pregnant women and mothers with children aged less than 18 months, and opportunities for part-time work at home during leave granted to look after a child.

113. In order to extend the assistance afforded by the State to families in bringing up children and create better conditions for working women so that they can successfully combine motherhood with work and social activities, Decree No. 1177 of the Council of Ministers of the USSR and the All-Union Central Trade Union Council (AUCTUC), dated 20 October 1987, (Collected Decrees of the USSR, 1987, No. 49, art. 161) increased the duration of paid leave for the care of sick children to 14 days.

114. The next important measure taken in this regard was the Decree of the USSR Council of Ministers and the AUCTUC entitled "Extended leave for mothers with young children", issued in August 1989. This provided for an extension of paid maternity leave until a child reaches 18 months, and for an extension of unpaid leave until the age of three years (enterprises have the right to provide a full three years of paid leave).

115. On 31 July 1987, the Central Committee of the CPSU and the USSR Council of Ministers issued Decree No. 872, entitled "Measures for radical improvement

of the upbringing, education and material well-being of orphans and other children left without parental care" (Collected Decrees of the USSR, 1987, No. 42, art. 137), in the belief that State bodies and public organizations have a vital responsibility for ensuring the proper upbringing, education and material well-being of all children deprived of parental care, establishing the necessary conditions for their harmonious all-round development, providing reliable safeguards for childrens' interests, and promoting their occupational training and development as citizens on the basis of social justice as guaranteed by socialist society.

116. This same decree established the V.I. Lenin Soviet Children's Fund, an all-union mass organization that pools the efforts of individual citizens, work collectives, institutions, public organizations and creative artists' unions to foster by every means the Leninist tradition of a caring, thoughtful attitude towards children.

117. The Decree also provides for children orphaned or left without parental care who are raised in children's homes, boarding-schools, or vocational, secondary schools, to be exempted from payment of fees at schools teaching sports, fine arts or music or at craft schools. A single pass has been introduced for their use, granting free access to cinemas, exhibitions, museums and sports facilities and free travel on city and suburban public transport (except taxis).

118. The Decree also provides that orphans or children deprived of parental care in children's homes, boarding-schools, vocational, secondary schools, and specialized secondary or higher educational institutions are issued free passes for pioneer camps, including those with sanatoriums, boarding-houses and health centres, holiday homes, student sports and fitness camps, and, where medically indicated, the appropriate type of sanatorium.

119. Children orphaned or left without parental care (not under guardianship or in ward), on entering vocational secondary schools or specialized secondary or higher educational institutions, and those already studying in such establishments, are taken into full State care and provided with food, clothing and footwear free of charge throughout their period of study.

120. Alongside the measures being implemented to improve the upbringing, education and material well-being of orphaned children in infants' homes, children's homes and boarding-schools, alternative, humanized ways of bringing up these children are being put into effect through the creation of family-type homes for children. The setting-up of such homes is provided for in Decree No. 1022 of the USSR Council of Ministers, dated 17 August 1988 (Collected Decrees of the USSR, 1988, No. 30, art. 85). They must be created and organized in such a way as to provide living conditions favourable to the upbringing and harmonious development of children, and to promote a conscientious attitude to study and work and high moral standards.

121. In keeping with the basic aims of developing health protection for the population and reorganizing the public health services of the USSR during the implementation of the twelfth Five-Year Plan and in the period leading up to the year 2000 (as set out in Decree No. 1318 of the CPSU Central Committee and the USSR Council of Ministers, dated 19 November 1987) the all-round development and improvement of maternal and child care has been given a high priority within the Soviet health system. To provide protection against

illness and raise the level of health of the rising generation, it is planned to improve the system of medical care for women, children and adolescents by integrating the obstetric, therapeutic and paediatric services and setting up regional inter-departmental programmes.

Article 25

(The right to take part in the conduct of public affairs)

122. Article 46 of the Constitution lays down the right of citizens to take part in the management of State and public affairs and in the discussion and adoption of laws and measures of all-Union and local significance, and this right has been further developed. It is ensured by the opportunity to elect and to be elected to Soviets of People's Deputies and other elected State bodies, to take part in nation-wide discussions and referendums, in the system of people's control, in the work of State bodies, public organizations and local community groups and in meetings at places of work or residence.

123. The right of citizens to take part in the management of State affairs is set out in the Act of the Ukrainian SSR of 4 June 1988 "Popular discussion of matters of importance to State life in the Ukrainian SSR". In particular, Article 4 of the Act ensures the right of citizens of the Ukrainian SSR to participate freely in the discussion of important issues in State and public life.

124. In discussing matters of Republic-wide or local significance, citizens of the Ukrainian SSR have the right to participate directly and also through public organizations, work collectives, meetings at places of residence, community action bodies, meetings of service personnel in military units, and mass communication media.

125. Pursuant to the amendments and additions made to the Constitution of the Ukrainian SSR by the Act of the Ukrainian SSR of 27 October 1989, the right to propose legislation has been extended. Under the new wording of article 103 of the Constitution, the right to propose legislation in the Supreme Soviet of the Ukrainian SSR is vested in the people's deputies of the Ukrainian SSR, the Presidium of the Supreme Soviet of the Ukrainian SSR, the President of the Supreme Soviet of the Ukrainian SSR, the Constitutional Review Committee, the Council of Ministers of the Ukrainian SSR, the standing commissions of the Supreme Soviet of the Ukrainian SSR, the People's Control Committee of the Ukrainian SSR, the Supreme Court of the Ukrainian SSR, and the Procurator of the Ukrainian SSR, as principal State arbitrator of the Ukrainian SSR. The right to propose legislation is also accorded to public organizations at the level of their Republic-wide bodies and to the Academy of Sciences of the Ukrainian SSR.

Article 26

(Protection against discrimination)

126. No citizen, irrespective of race or nationality, may suffer limitation of his rights or be accorded privileges of any kind. This is affirmed in the Constitution of the Ukrainian SSR (art. 34), and the constitutional provision is reflected in the Act of the Ukrainian SSR of 4 June 1988 on "Popular discussion of matters of importance to State life in the Ukrainian SSR".

Thus, part III, article 4 of the Act states that any direct or indirect limitation of the rights of citizens of the Ukrainian SSR to take part in discussion of questions relating to State or public life on the grounds of origin, social or property status, race or nationality, sex, education, language, attitude to religion, length of residence in a given locality, type or nature of occupation is prohibited. Violation of the principle of national and racial equality is a criminal offence punishable under article 66 of the Criminal Code of the Ukrainian SSR. In accordance with the Decree of the Presidium of the Supreme Soviet of the Ukrainain SSR of 14 April 1989, this article has been redrafted and now stipulates that any premeditated act intended to arouse national or racial hatred or conflict, or to besmirch national honour or reputation, as also any direct or indirect limitation of rights or establishment of direct or indirect privileges for citizens on the basis of race or nationality, is a criminal offence.

127. According to the Act of the Ukrainian SSR of 27 October 1989 on the election of People's Deputies of the Ukrainian SSR (art. 2): "Any direct or indirect limitation of the electoral rights of citizens of the Ukrainian SSR on grounds of origin, social or property status, race or nationality, sex, education, language, attitude to religion, length of residence in a given locality, or type or nature of occupation is prohibited". A similar provision is contained in the Act of the Ukrainian SSR of 27 October 1989 on elections to local Soviets of Peoples' Deputies of the Ukrainian SSR. Furthermore, the new wording of article 73 of the Constitution of the Ukrainian SSR stipulates that the State language of the Ukrainian SSR is Ukrainian. The Ukrainian SSR provides for the all-round development and utilization of Ukrainian in all areas of public life. In accordance with the Constitution, the Ukrainian SSR treats the free development and use of all the national languages spoken in the Republic as a matter of State concern.

Article 27

(Rights of minorities)

128. Non-Ukrainian nationals constitute one quarter of the population of the Ukrainian SSR. The vast majority of these are Russian. There are, in addition, Poles, Jews, Byelorussians, Moldavians, Hungarians, Greeks, Gagauz, Crimean Tatars, Bulgarians, Romanians, Karaites and a number of other nationalities or national minorities living in compact national groupings within the Ukrainian SSR. The Ukraine is also home to representatives of over 60 nations and nationalities, living apart from their own peoples or national groups: because of their isolation from their national environment and the absence of such environment in the Republic, these cannot be classed as national minorities.

129. From the earliest days of its existence, one of the aims of the Ukrainian Soviet State has been the elimination of racial and national inequality and the eradication of conditions which provoke national conflict. Provisions to this effect have been given legislative backing in the Constitution of the Ukrainian SSR of 1978, currently in force. Under the Constitution, all citizens of the Ukrainian SSR, irrespective of race or nationality, language, or attitude to religion, are guaranteed equality before the law (art. 32). Citizens of the Ukrainian SSR of different races and nationalities are assured equal rights; any direct or indirect limitation of the rights of citizens or establishment of direct or indirect privileges on grounds of race or

nationality, and any advocacy of racial or national exclusiveness, hostility or contempt, are punishable by law (art. 34). In particular, citizens of the Ukrainian SSR have the right to education, including the opportunity to attend a school where teaching is in the native language (art. 43 of the Constitution of the Ukrainian SSR), and the right to enjoy cultural benefits (art. 44). Citizens of the Ukrainian SSR are guaranteed freedom of conscience; incitement to hostility or hatred on religious grounds is prohibited (art. 60 of the Constitution). Citizens of the Ukrainian SSR have the right to protection by the courts against encroachments on their honour and reputation (art. 55 of the Constitution). All citizens of the Ukrainian SSR are obliged under article 62 of the Constitution to respect the national dignity of other citizens and to promote friendship between the nations and nationalities of the Soviet State. They are also required under article 66 to show concern for the preservation of historical monuments and other cultural treasures.

130. In accordance with the above articles of the Constitution, the Criminal Code of the Ukrainian SSR contains a number of articles defining those activities which violate the principles set out above and are punishable by law. Article 66 of the 1989 edition of the Code designates as criminal offences any premediated act intended to arouse national or racial hostility or conflict or to besmirch national honour and reputation, and any direct or indirect limitation of rights or the establishment of direct or indirect privileges for citizens on grounds of race or nationality. Article 339 of the Criminal Code of the Ukrainian SSR makes it a criminal offence to obstruct the performance of religious ceremonies if they do not disturb public order or entail any infringement of citizens' rights, and article 207 establishes criminal penalties for deliberate destruction of or damage to historical or cultural monuments. The law makes no distinction between monuments which are part of the cultural or historical heritage of the indigenous people of the Ukrainian SSR and those of national minorities.

131. It should also be noted that since 1940 the Ukrainian SSR has been a unitary State, in which there is no autonomy of any kind for national minorities. This is partly explained by the fact that hardly any of the national minorities constitute a majority of the population in the regions where they live, and partly by those distortions in the conduct of national policy which were allowed to occur between the 1930s and the 1970s. All this could not fail to leave its mark on the situation regarding the protection of the rights of national minorities.

132. The situation of the Hungarian national minority in Zakarpatya can be considered satisfactory. The Hungarian population living there has a network of schools and pre-school educational institutions with teaching in the native language, a faculty of Hungarian at the University of Uzhgorod, and a number of cultural institutions and organizations. Regional television and radio stations broadcast in Hungarian, and there are Hungarian-language newspapers, including regional ones. The "Karpaty" publishing house publishes works in Hungarian as well as Ukrainian and Russian, though the number of copies is very small and the range of titles limited. In areas where the Moldavian and Polish populations are concentrated, a similar network of schools and classes in the native language exists. Local newspapers or newspaper supplements are also published in these languages.

133. In spite of shortcomings, the national minority rights situation has lately begun to improve. The network of schools or classes and pre-school

educational institutions teaching in Polish has been extended. In response to the gradual return of Crimean Tatars to their homeland, 12 schools (classes) teaching in the Crimean Tatar language have been opened. Since July 1989, a daily supplement to a Crimean regional newspaper has been issued in the Crimean Tatar language. A Crimean Tatar-Russian dictionary was published in 1988 by the Ukrainian Academic Publishing House "Naukova Dumka". Classes, courses and study options to teach Yiddish, or conducted in Yiddish, are being gradually introduced in the Republic. In 1988, the Republic's State Publishing House "Dnipro" published the first book in Romaic (one of the two languages of the Greek community living near the Black Sea). In October 1989 the session of the Supreme Soviet of the Ukrainian SSR passed an Act on languages in the Ukrainian SSR, containing a number of articles specifically concerned with protecting the rights of national and linguistic minorities to use their own languages in all areas of life.

134. There are encouraging signs that difficulties of protecting national minority rights in the Ukrainian SSR can be overcome. A just solution to this problem is guaranteed by the officially accepted concept of the building of a socialist constitutional State, which views the individual, and the protection of his interests and rights, as supremely important to society.

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